

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

**FREDERICK LAHOVSKI
and RYAN OLDT,**

Plaintiffs

v.

RUSH TOWNSHIP, *et al.*,

Defendants

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CIVIL ACTION NO. 19-0819

(JUDGE MANNION)

ORDER

In accordance with the court's memorandum issued this same day, **IT
IS HEREBY ORDERED THAT:**

- (1) The defendants' motion to dismiss, (Doc. 18), is GRANTED IN PART and DENIED IN PART;**
- (2) The plaintiffs' claims against Gilbert and Liebensperger in their official capacity in Count I are DISMISSED WITH PREJUDICE;**
- (3) The plaintiffs' claims for declaratory judgment against the defendants for alleged past violations of their constitutional rights are DISMISSED WITH PREJUDICE;**
- (4) The plaintiffs' First Amendment free association claims against Gilbert and Liebensperger in Count I are DISMISSED WITHOUT PREJUDICE;**

(5) The defendants' motion is **GRANTED** with respect to all of the plaintiffs' First Amendment free speech retaliation claims against Gilbert and Liebensperger in Count I, except for their speech regarding the decertification of the police union, and the stated claims are **DISMISSED WITH PREJUDICE**;

(6) The defendants' motion is **DENIED** with respect to plaintiffs' First Amendment free speech retaliation claims against Gilbert and Liebensperger in Count I, in their individual capacity, regarding their speech about the decertification of the police union, and this claim shall **PROCEED**;

(7) The plaintiffs' First Amendment free association claims against Rush Township in Count II are **DISMISSED WITHOUT PREJUDICE**;

(8) The defendants' motion is **GRANTED** with respect to all of the plaintiffs' First Amendment free speech retaliation claims against Rush Township in Count II, except for their speech regarding the decertification of the police union, and the stated claims are **DISMISSED WITH PREJUDICE**; and

(9) The defendants' motion is **DENIED** with respect to plaintiffs' First Amendment free speech retaliation claims against Rush Township

in Count II regarding their speech about the decertification of the police union, and this claim shall **PROCEED**.

s/ *Malachy E. Mannion*

MALACHY E. MANNION
United States District Judge

DATE: February 18, 2020

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